(36)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.812 OF 2006

PETITIONER — Union of India through the Divisional Railway Manager, South East Central Railway, Raipur Division, Raipur (CG).

Versus

RESPONDENTS

1. The Hanuman Mandir Samiti, Through the Secretary, Raipur Railway Station Circulating Area, Raipur (CG).
2. The Hanuman Mandir Samiti Through Mandir Pujari Seetharam Baba, Hanuman Mandir, Railway Station, Campus : Raipur (CG).

Present : Shri Amit Choudhary, learned counsel for the petitioner.

(ORAL ORDER)
(Passed on 17th February, 2006)

The petitioner is the Divisional Railway Manager, South East Central Railway representing the Union of India, has preferred this writ petition complaining that the respondents herein without any semblance of legal right have been encroaching upon the land property owned by the Railways and attempting to put up construction thereon. So alleging, the petitioner has sought for direction to the respondents in the nature of mandamus not to make unauthorized construction on the Railway land and also mandatory injunction to remove the illegal construction already made. It is quite often held and reiterated by the Constitutional Courts that the power of this Court under Article 226 of the Constitution cannot be invoked to resolve any dispute relating to title and possession of the land properties. It is not as if the

petitioner is left with no legal remedies. In a matter like this, I am of the considered opinion that private law review remedies like declaration, injunction and damages are more appropriate, effective and comprehensive than the remedies that may be granted by this Court in a summary proceeding under Articles 226/227 of the Constitution. This Court cannot be converted into a trial court to adjudicate upon the dispute relating to title of the land property. The writ petition is, therefore, dismissed, however, reserving liberty to the petitioner to work-out their legal remedies before the jurisdictional Civil Court as indicated above. No costs.

Sd/-
Chief Justice